

## **Haulers and NASM Applicators: New Requirements Under the General Nutrient Management Regulation**

On September 18, 2009, the General Nutrient Management Regulation (O. Reg 267/03), under the Nutrient Management Act, 2002 (NMA), was amended to make changes to the regulatory framework for non-agricultural source materials (NASM). The changes were made to introduce risk-based standards for the agricultural land application of NASM and to enhance environmental protection by strengthening and clarifying the rules around the beneficial use of this material.

The NMA and regulations made under it are jointly administered by the Ministry of the Environment (MOE) and the Ministry of Agriculture, Food and Rural Affairs (OMAFRA). OMAFRA has responsibility for outreach and education, approvals and certification and training. MOE is responsible for compliance and enforcement.

The requirements will take effect in two stages. Stage 1 changes will take effect immediately upon filing of the regulation and consists of general requirements that establish the framework. The general requirements are needed to transition to the requirements of the new system for managing NASM which take effect at stage 2 on January 1, 2011. Transition periods are also outlined within the regulation to assist in moving from the current framework of approvals to the new requirements.

### **Regulatory Changes to the Management of NASM**

Changes to the General Waste Management Regulation 347, under the Environmental Protection Act (EPA), and O. Reg. 267/03, under the NMA, will affect haulers of NASM, such as biosolids. Key changes that will affect the hauler include:

#### **HIGHLIGHTS**

- Removal of Brokers Certificate for NASM haulers
  - New application standards set out in regulation and NASM Plans
  - New MOE notification requirement prior to land application
  - MOE maintains strong compliance and enforcement oversight
- As of September 18, 2009, remove the requirement for a Brokers Certificate for hauling NASM, though existing Brokers Certificates are to remain in effect until January 1, 2011.
  - As of January 1, 2011, notification must be made to the local District Office of the MOE when NASM is to be land applied, if there is a requirement for the NASM Plan to be approved.

## **Approvals**

Those haulers that have a Waste Management System Certificate of Approval (C of A) will need to amend their C of A to allow the transport of NASM to sites operating under a NASM Plan.

Category 2 or 3 NASM must be stored, managed and land applied in accordance with a NASM Plan. The NASM Plan has to be prepared by a certified NASM Plan preparer and must be signed by the land owner, the farmer and the plan preparer.

The MOE will stop issuing Organic Soil Conditioning Sites Certificates of Approval for the application of NASM on agricultural land as of January 1, 2011. NASM may continue to be applied at sites operating under an existing Organic Soil Conditioning Sites Certificate of Approval until it expires or is revoked or until December 31, 2015, after which a NASM Plan is required. For any new site where Category 2 or 3 NASM is land applied, a NASM Plan will be required as of January 1, 2011. Depending on the material, some NASM Plans will require approval by OMAFRA. Existing Waste Management System Certificates of Approval will have to be amended prior to hauling NASM to a site operating under a NASM Plan.

The revisions to O. Reg. 267/03 do not change the requirements for a Prescribed Materials Application Business Licence or a Nutrient Application Technician Licence. Both licences are required for the application of NASM to agricultural land.

## **Land Application**

The revised regulation now contains many land application standards which were previously incorporated into Organic Soil Conditioning Site Certificates of Approval. More detailed and comprehensive information on how Category 2 and 3 NASM is to be applied to optimize agronomic benefit and minimize adverse environmental impact will be contained in the NASM Plan. Certified land applicators must follow setbacks and application standards as set out in the NASM Plans and in the regulation.

## **Notification**

As an operational practice, once a NASM Plan is approved, OMAFRA will notify the local municipality (lower or single tier) that an application site has been approved to accept NASM. This is similar to the current process where MOE notifies the local municipality when the ministry approves an Organic Soil Conditioning Site Certificate of Approval for land application.

The new regulation requires written notice be given to the local MOE district office before the land application of materials with an approved NASM Plan. Written notice must be given at least 24 hours, but not more than seven days, before application.

## **Compliance and Enforcement**

MOE's longstanding role in ensuring environmental protection through compliance and enforcement activities continues with the new regulation. Through proactive inspections and responding to reports of pollution or other incidents, MOE will help to ensure that materials are land applied according to provincial standards.

NASM land application standards and requirements are enforceable under the NMA and if an adverse effect occurs or may occur, the EPA or the Ontario Water Resources Act may also apply.

### **Additional Information:**

Additional information on NASM requirements is found on the websites of the Ministry of the Environment at [www.ontario.ca/nasm-moe](http://www.ontario.ca/nasm-moe) and the Ministry of Agriculture, Food and Rural Affairs at [www.ontario.ca/nasm-omafra](http://www.ontario.ca/nasm-omafra). Included are an Odour Guide, Sampling and Analysis Protocol, Nutrient Management Protocol and Nutrient Management Tables.

This fact sheet is for informational purposes. If there is a discrepancy between this fact sheet and the regulation, the regulation prevails.